

Notice of Allowability

Application No.

10/518,976

Examiner

Gay Ann Spahn

Applicant(s)

KLETSCHER, WILFRIED

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02 July 2007.
2. ☒ The allowed claim(s) is/are 10-12 and 15-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: DE 203 06 551.4.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 02 July 2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in GERMANY (DE 203 06 551.4) on 25 April 2003. It is noted, however, that applicant has not filed a certified copy of the GERMAN application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

The information disclosure statement filed 02 July 2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the fee set forth in 37 C.F.R. § 1.17(p) has not been paid in accordance with 37 C.F.R. § 1.97(c)(2) and Applicant has specifically stated on page 6, the second sentence of the first paragraph of the Remarks section of the Amendment filed 02 July 2007, that the payment of such fee is not authorized.

However, during a conversation with Mr. Douglas D. Zhang and Mr. Alfred Froebrich of the law firm of Cohen, Pontani, Lieberman & Pavane (see attached Interview Summary), the payment of the fee under 37 C.F.R. § 1.17(p) has been authorized and therefore, the information disclosure statement has been considered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

Art Unit: 3635

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Douglas D. Zhang and Mr. Alfred Froebrich of the law firm of Cohen, Pontani, Lieberman & Pavane on 17 September 2007.

The application has been amended as follows:

IN THE CLAIMS:

Please amend claim 10 as follows:

Claim 10 (Currently amended). A fixing device for a movable wall, the fixing device comprising:

a profile ~~which can receive~~ having a recess capable of receiving the movable wall;

a fixing element which ~~can be moved~~ is linearly movable with respect to said profile, into and out of a working position;

a turning knob mounted for rotation in said profile, said turning knob having a stub axle which is journaled for rotation in said profile;

an eccentric pin fixed to the turning knob eccentric to the stub axle; and

a slotted link fixed to the fixing element, the slotted link having a slot which receives said eccentric pin to translate rotational movement of said knob into linear movement of said fixing element.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patents cited of interest as showing various configurations of fixing devices include: U.S. Patent No. U.S. Patent No. U.S. Patent No. U.S. Patent No. U.S. Patent No. U.S. Patent No. 3,201,959 to Yeager; U.S. Patent No. 6,098,342 to Bischof et al. (see Fig. 12); U.S. Patent No. 4,438,594 to Bunzl (see Fig. 3); U.S. Patent No. 4,395,854 to White et al. (see Figs. 3 and 4); U.S. Patent No. 6,415,565 to Sosa (see Fig. 1); U.S. Patent No. 4,838,058 to Matsumoto (see Fig. 8); U.S. Patent No. 3,762,750 to Orr; U.S. Patent No. 241,998 to King; U.S. Patent No. 3,591,218 to Gowland; U.S. Patent No. 2,961,263 to Ahlgren (see Fig. 7); U.S. Patent Application Publication No. 2006/0192394 to Cennamo, Jr.; U.S. Patent No. 4,976,122 to Doolan et al. (see Fig. 3); U.S. Patent No. 6,883,935 to Lassoovsky (see Fig. 6); U.S. Patent No. RE38,832 to Thwing (see Fig. 7a); U.S. Patent No. 4,550,580 to Neyret; U.S. Patent No. 5,044,183 to Neyret; and U.S. Patent No. 2,905,495 to Adamson (see Figs. 1 and 8).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone

Art Unit: 3635

number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

^{GAS}
Gay Ann Spahn, Patent Examiner
September 17, 2007


RICHARD E. CHILCOTT, JR.
SUPERVISORY PATENT EXAMINER